IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8434 of 2005

Between:

Smt. Kaveri Sundaram W/o Murali Nathanial Rajasekhar B.Ed. Assistant, Chunnilal Jajoo Rotary Municipal Corporation High School, Rajahmundry R/o Rajahmundry, East Godavari District

..... PETITIONER

AND

1 District Educational Officer, East Godavari District at Kakinada
2 Commissioner Rajahmundry Municipal Corporation,

Rajahmundry, East Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the 2nd respondent in passing the impugned order in Rc. No. 2055/2002-C3, dt 24-10-2002 without giving any opportunity to the petitioner imposing the penalty treating the suspension period of 35 days as leave and also the warning to be more careful in future is wholly illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondent respondents to set aside the impugned order and further directing the 1st respondent to dispose of the appeal immediately.

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondent Nos.1: GP FOR EDUCATION

Counsel for the Respondent No.2:MR.A. VISHNU VARDHAN REDDY

The Court at the admission stage made the following O R D E R:

This writ petition is filed to declare the proceedings of the second respondent dated 24.10.2002 as illegal and arbitrary and consequently, to direct the first respondent to dispose of the appeal filed by the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Education.

Aggrieved by the proceedings dated 24.10.2002, the petitioner preferred an appeal to the first respondent. The petitioner cannot be permitted to prosecute two parallel remedies for the very same cause of action. Hence, without going into merits of the case, the writ petition is disposed of directing the first respondent to dispose of the appeal filed by the petitioner within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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(K.C.BHANU,J)

Dt:15th April, 2005

Note:CC in two days

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usd

To

1. The District Educational Officer, East Godavari District at

Kakinada

2 The Commissioner Rajahmundry Municipal Corporation,

Rajahmundry, East Godavari District

3. Two CCs to G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.